

AMENDED IN SENATE APRIL 23, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1063

Introduced by Senator Gaines

February 13, 2012

An act to add and repeal Section 115843.6 of the Health and Safety Code, relating to reservoirs, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1063, as amended, Gaines. Bear Lake Reservoir: recreational use.

Existing law, with certain exceptions, prohibits recreational use in which there is bodily contact with water in a reservoir in which water is stored for domestic use, and establishes water standards for those exempted reservoirs.

This bill would, in addition, exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in the Bear Lake Reservoir, and would establish standards in this regard, including water treatment, monitoring, and reporting requirements. *The bill would require the State Department of Public Health to annually review specified data to ensure compliance, and would provide that the exemption granted pursuant to these provisions would cease upon a finding of noncompliance.* This bill would provide that these provisions would remain in effect only until January 1, 2016.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Bear Lake Reservoir.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115843.6 is added to the Health and
2 Safety Code, to read:
- 3 115843.6. (a) In the Bear Lake Reservoir, recreational uses
4 shall not include recreation in which any participant has bodily
5 contact with the water, unless all of the following conditions are
6 satisfied:
- 7 ~~(1) The water shall receive complete water treatment, including~~
8 ~~coagulation, flocculation, sedimentation, filtration, and disinfection,~~
9 ~~or an alternative filtration system that provides an equivalent degree~~
10 ~~of pathogen removal in compliance with all applicable department~~
11 ~~regulations before being used for domestic purposes.~~
- 12 *(1) The water subsequently receives complete water treatment,*
13 *in compliance with all applicable department regulations, including*
14 *coagulation, flocculation, sedimentation, filtration, and*
15 *disinfection, before being used for domestic purposes. The*
16 *disinfection shall include, but is not limited to, an advanced*
17 *technology capable of inactivating organisms, including, but not*
18 *limited to, viruses, cryptosporidium, and giardia, to levels that*
19 *comply with department regulations. The treatment shall include,*
20 *but need not be limited to, ozonation or ultra violet disinfection.*
21 *The treatment shall, at a minimum, comply with all state laws and*
22 *department regulations and all federal laws and regulations,*
23 *including, but not limited to, the federal Environmental Protection*
24 *Agency Long-Term 2 Enhanced Surface Water Treatment*
25 *regulations. Nothing in this division shall limit the state or the*
26 *department in imposing more stringent treatment standards than*
27 *those required by federal law.*
- 28 *(2) The Lake Alpine Water Company conducts a monitoring*
29 *program for total coliform bacteria, including E. coli and fecal*
30 *coliform, at the reservoir intake at a frequency determined by the*
31 *department.*
- 32 ~~(2)~~
- 33 *(3) The reservoir is operated in compliance with regulations of*
34 *the department.*

(b) The recreational use of Bear Lake Reservoir shall be subject to additional conditions and restrictions adopted by the entity operating the water supply reservoir, or required by the department, that are required to further protect or enhance the public health and safety and do not conflict with regulations of the department. ~~The department shall, prior to requiring any additional conditions and restrictions, consult with the entity operating the water supply reservoir regarding the proposed conditions and restrictions at least 60 days prior to the effective date of those conditions and restrictions.~~

(c) The Lake Alpine Water Company shall file, on or before January 1, 2015, with the *Legislature and the* department, a report on the recreational uses at Bear Lake Reservoir and the water treatment program for that reservoir. That report shall include, but is not limited to, all of the following information:

(1) The estimated levels and types of recreational uses at the reservoir on a monthly basis.

(2) A summary of monitoring in the Bear Lake Reservoir watershed for ~~bacteria~~ *cryptosporidium and giardia*.

(3) The most current sanitary survey of the watershed and water quality monitoring.

(4) *As deemed necessary by the department, an evaluation of recommendations relating to inactivation and removal of cryptosporidium and giardia.*

~~(4)~~
(5) Annual reports *provided to the department* as required by the water permit issued by the department.

(6) *An evaluation of the impact on source water quality due to recreational activities on Bear Lake Reservoir, including any microbiological monitoring.*

(7) *A summary of any activities for operation of recreational uses and facilities in a manner that optimizes the water quality.*

~~(5)~~
(8) The reservoir management plan and the operations plan.

~~(6)~~
(9) The annual water reports submitted to the consumers each year.

(d) If there is a change in operation of the treatment facility or a change in the quantity of water to be treated at the treatment facility, the department may require the entity operating the water

1 supply reservoir to file a report that includes, but is not limited to,
2 the information required pursuant to subdivision (c), and the entity
3 shall demonstrate to the satisfaction of the department that water
4 quality will not be adversely affected.

5 *(e) (1) The department shall, at the end of each recreational*
6 *season, annually review monitoring and reporting data from the*
7 *Bear Lake Reservoir to ensure full compliance with this section.*

8 *(2) If at any time the department finds any failure to comply*
9 *with this section, the exemption granted pursuant to this section*
10 *shall cease immediately.*

11 ~~(e)~~

12 *(f)* This section shall remain in effect only until January 1, 2016,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2016, deletes or extends that date.

15 SEC. 2. The Legislature finds and declares that a special law
16 is necessary and that a general law cannot be made applicable
17 within the meaning of Section 16 of Article IV of the California
18 Constitution because of the unique circumstances in the Bear Lake
19 Reservoir. The facts constituting the special circumstances are:

20 Recreational activities have occurred at Bear Lake Reservoir
21 but ceased due to the requirements of Section 115825 of the Health
22 and Safety Code. The Lake Alpine Water Company will continue
23 effective water treatment through microfiltration and disinfection
24 in order for bodily contact to resume, and the company will provide
25 information to the Legislature regarding certain issues to ensure
26 that any recreational uses at the reservoir do not affect the provision
27 of domestic water to district customers.

28 SEC. 3. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the Constitution and shall go into
31 immediate effect. The facts constituting the necessity are:

32 In order to ensure that the residents of the Bear Lake Reservoir
33 community are able to utilize the reservoir during the summer
34 season in the manner they have previously, it is necessary that this
35 act take effect immediately.